

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RAFAEL ARROYO,

Plaintiff,

vs.

PLEASANT CANYON HOTEL, INC.,

Defendant.

Case No.: 21-CV-437-YGR

**ORDER TO SHOW CAUSE re SUPPLEMENTAL
BRIEFING ON COLLATERAL ESTOPPEL; STAY
PENDING NINTH CIRCUIT APPEAL**

TO THE PARTIES AND COUNSEL OF RECORD:

Counsel for plaintiff is hereby **ORDERED TO SHOW CAUSE** why plaintiff's complaint should not be dismissed on grounds of collateral estoppel. Defendant filed its motion to dismiss on March 19, 2021 (Dkt. No. 8). In defendant's motion, defendant argued that the doctrine of collateral estoppel bars plaintiff's claim. Plaintiff failed to address this argument in his opposition. (*See* Dkt. No. 9.)

Plaintiff's counsel shall submit supplemental briefing in response to defendant's briefing on collateral estoppel no later than Wednesday, **SEPTEMBER 29, 2021**, and a response to this Order. In that same briefing, plaintiff shall also include briefing on why this case should not be stayed, in the alternative, pending the Ninth Circuit appeal in *Love v. Marriott Hotel Servs., Inc.*, 21-15458. If plaintiff's responses are not received by that date, the Court will deem the silence as a concession that collateral estoppel does apply, and will dismiss the complaint on collateral estoppel grounds. If responses are filed, defendant shall file its reply brief by **WEDNESDAY, OCTOBER 13, 2021**. The parties shall limit briefing to seven (7) pages double-spaced.

IT IS SO ORDERED.

Date: September 15, 2021

Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE